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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,263	12/08/2003	Sidney E. Veazey	SEV-5DIV2	4726
34491	7,590	08/04/2005	EXAMINER	
JAMES K. POOLE, ESQ. P.O. BOX 925 LOVELAND, CO 80539			BASINGER, SHERMAN D	
			ART UNIT	PAPER NUMBER
			3617	
DATE MAILED: 08/04/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,263

Applicant(s)

VEAZEY, SIDNEY E.

Examiner

Sherman D. Basinger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-13,15-26,28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-13,15-18 and 20-26 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,19,28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: figure 5 of WO 90/08059.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 19 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 90/08059.

WO 90/08059 discloses in figures 5 and 6 a vessel comprising what can be considered to be defined and separable bow, stern and midship

sections, each of said sections being constructed primarily of a

plurality of precast concrete boxes having both hexagonal and half-

hexagonal cross-sections, said boxes being oriented vertically

and interconnected by

mechanical means (prestressed cables) to form said separable bow, stern and midship sections into an integrated hull structure of the vessel.

As is shown in figures 1 and 2 a portion of the hexagonal and half-hexagonal concrete boxes have a substantially open cross section.

Each box as shown in figure 1 has a hexagonal cross section. If each box has a hexagonal cross section then each box comprises a half-hexagonal cross section.

Taking a cross section through any of the three interior walls in figure 1 provides a half-hexagonal cross section when viewed from the top.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia in view of Winslow, Smith and Gainsley.

Garcia discloses a self-propelled vessel for transporting floating objects, comprising separate

bow 10 and stern 12 sections adapted to be

removably fastened together using mechanical means 19 and 24 to form the vessel alone and also to be separated and fastened mechanically

to a floating object 14 to form a vessel incorporating said floating object as a midship section to transport same.

Garcia does not disclose the bow

section 10 comprising at least one anchor, propulsion means, at

least one power supply and control means to operate same and a crane unit.

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Note the anchor of Winslow, the propulsion means 20,23 in the bow section of Smith, the inherently present power supply and control means in the bow section of Smith and the forward most crane in the bow section of Gainsley.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide an anchor similar to that of Winslow to the bow section 10 of Garcia, a propulsion means and power supply and control means similar to those in the bow section of Smith to the bow section of Garcia, and a crane similar to 6 of Gainsley to the bow section of Smith.

Motivation to do so is to make the bow section of Garcia independently operable in a manner similar to how the bow section of Smith is independently operable.

Garcia discloses in his stern section

a propulsion system, a pilot house and controls for said vessel (see column 1, lines 50-57), but does not disclose at least one anchor for the stern section. However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide an anchor similar to that of Winslow to the stern section 12 of Garcia. Motivation to do so is to allow the stern section to act independently much as the stern section 2 of Smith.

Garcia is adapted to incorporate as said midship section an assemblage of floating boxes 14 which are mechanically secured together to form said floating object.

The boxes *inherently* comprise at least one material selected from the group consisting of concrete, metal, wood, plastic and polymeric composites. Ships are normally made of metal and sometimes wood or concrete. Due to the period of the patent of Garcia, the vessel and its parts would inherently be made of metal. If not it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to make them of metal including segments 14.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia, Winslow, Smith and Gainsley as applied to claim 3 above, and further in view of Cueni. Garcia does not disclose the boxes 14 as being integrally precast internally reinforced concrete boxes. Cueni discloses making ships, barges and floating boxes of precast concrete slabs which are integrally precast and internally reinforced. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to use the teachings of Cueni to make the boxes 14 of Garcia of integrally precast and internally reinforced concrete. Motivation to do so can be found in the first column of page 1 of Cueni.

6. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 90/08059 in view of Cueni.

WO 90/08059 does not disclose that the boxes having a hexagonal and half-hexagonal cross section contain metallic reinforcement in at least a portion of the top, bottom and side surfaces and outer edges. Figures 8a, 8b and 9 of Cueni show precast slabs with

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metallic reinforcement. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide the boxes of WO 059 with metallic reinforcement similar to that used in Cueni in at least a portion of the top, bottom and side surfaces and outer edges. Motivation to do so is to make the boxes with a high strength.

Allowable Subject Matter

7. Claims 6-13, 15-18 and 20-26 are allowed.

Response to Arguments

8. Applicant's arguments filed July 13, 2005 have been fully considered but they are not persuasive.

9. First, as requested by applicant, either figure 57 or 44 will be printed on the cover face of any patent issuing with claims defining the invention similar to those currently pending.

10. In rebuttal of applicant's arguments directed toward claim 19 and WO 90/08059, it is pointed out that the defined bow of the platform is created by the three upper most modules at the top of figure 5, the defined stern is created by the three lowermost modules in figure 5 and the defined mid section is created by the three rows of modules between the upper most and lowermost modules. If the modules are held together by cables, then cutting these cables allows separation of the modules such that the modules forming the bow, the modules forming the stern and the modules forming the midsection are separable. An automobile is not built to be separated, but after and

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accident the "jaws of life" separates parts of the automobile. Applicant merely claims that the modules are separable. This means that at any point after they are joined, separation of the modules can be undertaken. If at some point in the future, the owners of the platform decide to separate the modules, they can do so with heavy machinery. Attached to this office action is a marked up copy of figure 5 of WO 059 showing what is the defined bow, the defined stern and the defined midsection. Why would the examiner need to provide a declaration of common knowledge that any joined structure can be separated with the proper machinery? Applicant is not claiming in claim 19 that the modules are separable in the manner that the modules of Smith and Garcia are separable. Applicant in claim 19 is claiming a much broader concept. The concept applicant is claiming in claim 19 is that the modules are separable at some point. Even atoms can be split so as to be separated, so what can the modules of WO 059 be separated?

11. Applicant argues that Smith does not disclose the bow section with propulsion means. Applicant's attention is directed toward figure 1 where screws 23 are **clearly shown for the bow section**. Further, Smith states on page 2:

Each and all of the sections may be propelled on the surface even though separated from the other sections by the engines 20 which are in pairs on each side of the section in the engine rooms.

Applicant's position that the bow section of Smith does not have propulsion means is not well taken in view what is shown in figure 1 and what is disclosed on page 2 of Smith.

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12. With regard to the placement of a crane or anchor on the bow or stern section, it is pointed out that these are common to many vessels for anchoring the vessels or for loading cargo. Throughout the marine art, one can find anchors placed at various locations on a vessel and cranes placed at various locations on a vessel. Because an anchor and a crane are common to vessels, its difficult to give patentable weight to defining these on a vessel or in a particular area of a vessel or on a particular section of a vessel.

13. Applicant argues that claim 4 is amended to define the boxes as being integrally precast and internally reinforced. This does not add patentable subject matter to claim 4 as Cueni forms his slabs as integrally precast and internally reinforced.

14. Applicant argues that the examiner stated that Cueni teaches making ships, barges and floating boxes of precast concrete. Cueni states in the first two lines of page 1 that his invention relates to ships, barges and floating docks. The examiner, as suggested by applicant, felt that the floating docks are floating boxes.

15. Applicant argues that the motivation to combine Cueni as done to reject claim 4 can't be found in the first column of page 1 of Cueni. The first column of page 1 of Cueni is filled with motivation to combine Cueni as urged. For example:

It is still another object of the present invention to provide a flexible concrete hull not subject to shrinkage cracks....

16. None of the rejections are withdrawn as urged by applicant.

Conclusion

17. Applicant's amendments to claims 4 and 19 and the addition of claims 28 and 29 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706:07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 571-272-6679. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sherman D. Basinger
Primary Examiner
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7/29/05

Attachment

To 20050729

Office Action

WO 90/08059

defined

PCT/BR89/00014

bow

section

4/6

defined
mid
section

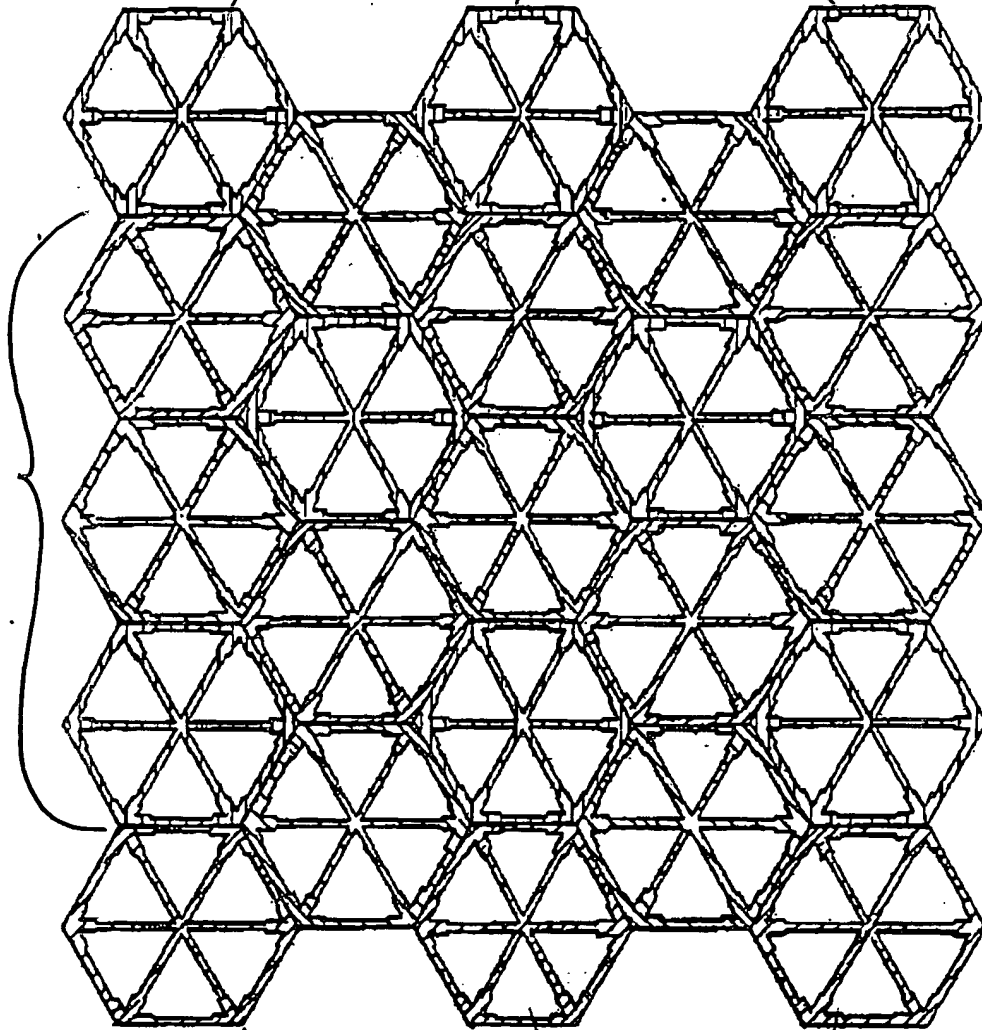


FIG. 5

defined

stern

section